

**Remark**

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 8- 14, 16, 17, 22, 25 and 28-31 have been amended. Claims 32-35 have been cancelled. Therefore, claims 1-31 are present for examination.

**35 U.S.C. §112 Rejection**

The Examiner has rejected claims 1, 11, 14, 17, 22 and 25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to Claim 1, only one call is mentioned. Without the introduction of another call, "the call" can refer only to the only call mentioned previously, i.e. "an incoming call." In an effort to expedite prosecution of this application, all of the claims have been amended to refer to "the incoming call." Applicant respectfully submits that these amendments reduce the clarity of the claims because while the one and only call referred to in these claims is originally an incoming call, it may be considered at some point as having been received, captured and processed and therefore no longer incoming. However, this distinction in the progress of the status of the call is not central to the claimed invention.

Rather than replace every occurrence of "the switch" with "the connected private telephone switch", Applicant has replaced references to "the telephone switch" with "the switch." This has been done in an effort to make the claim easier to read. Based on PTO practice over at least the last 30 years, it is not possible that "the switch" in these claims refers to a different switch within the PSTN because there is no antecedent basis for this

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different switch. Antecedent basis is provided only for "the connected private telephone switch" or "the private telephone switch" depending upon the claim.

The acronym PSTN has been described as Public Switched Telephone Network for each of the independent claims. Based on all of the amendments above, Applicant respectfully submits that the rejections under Section 112 are traversed.

### 35 U.S.C. §102 Rejection

#### *Epstein*

The Examiner has rejected claims 1-31 under 35 U.S.C. §102 (e) as being anticipated by Epstein et al., U.S. Patent 6,327,343 ("Epstein"). Epstein shows a completely integrated automatic call processing system that includes switch and voice mail functions. For most of e.g. Claim 1, the Examiner refers to Column 7, lines 14-49. In this section, the Epstein system determines who the caller is in order to access some stored information about how to handle the call. It is not the call that is being identified and tracked but the caller, see e.g. Col. 8, first paragraph. It would appear from Col. 15, lines 44-60 that calls are routed based on who the caller is. Identifying the caller may also be a substitute for requiring a PIN to access programming features. There is also an "identification tagger module" at Col. 5, line 38. The ID tags appear to be attached to transcriptions of telephone calls or messages.

Claim 1, however, recites, "receiving an incoming call at a voice mail port" and "receiving a call handle associated with the incoming call." Applicant can find no suggestion of these two operations. First, Epstein does not appear to transfer things around to voice mail ports, but instead the system is completely integrated and calls all

stay with the one system. Second, it would appear that the caller identity is used by the switch and not used by the voice mail system. In fact, it would appear that Epstein is concerned only with the operations of the server system 10 and not with how it might interact with a voice mail system 18.

Claim 1, further recites that the call handle is "associated with the incoming call." In Epstein, it is the caller, not the call that is identified in Col. 7. In Col. 5, there is an ID tag that is combined with a time of the call (Col. 5, line 57) but, of course, there is no indication of this being sent to the voice mail system as recited in the claim.

Claim 1 further recites, "applying the call handle to a database of the voice mail system." Applicant finds no suggestion of a voice mail database.

This section of Claim 1 also refers to "whether the incoming call has been previously handled" and "if the incoming call has been previously handled." Epstein is not concerned with whether an incoming call has been handled but instead whether a caller has been previously handled. Claim 1, for example concludes with "asking the caller to enter personal selections, if the incoming call has not been previously handled by the voice mail system." In Epstein, the switch aspect will determine whether the caller is known and then determine how to handle the call. It makes no difference in Epstein whether the call has been handled.

While the difference between a call and a caller may not, at first seem significant, it points to the fundamental difference between the reference and the claimed invention. In Epstein, there is a single integrated, switching, call routing system. Voice mail is only mentioned tangentially. Epstein does not describe how the server system would interact with the voice mail system. Claim 1 on the other hand recites specific operations of the

voice mail system and interactions with the switch. Epstein simply does not address generating call handles for voice mail, telling voice mail whether it has previously handled the call, maintaining database in the voice mail system, and so on. Epstein is addressed to call routing. Accordingly, Applicant submits that there is no explicit teaching or suggestion for these operations in Epstein. In addition, such operations would not be obvious as they are beyond the scope of the Epstein server system.

The remaining independent claims are believed to be allowable for the reasons presented above with respect to Claim 1. All other claims depend from one of the independent claims and are believed to be allowable therefor as well as for the limitation expressly set forth in each claim, respectively. While the Examiner has specifically addressed each claim and its limitations with respect to the reference, Applicant has chosen not to respond to each of these points in the interest of making this response easier for the Examiner to evaluate. Applicant does not concede any of the Examiner's points by choosing not to respond to them specifically.

### Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


**Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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